

REMARKS

Claims 1-6, 8-19 are pending in the present application with claims 1, 8, and 13 as being the independent claims.

Claims 1-6 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The examiner maintains that the claims do not recited a tangible result. In response, Applicants have amended the claims to make it more clear that the method is performed by a computing device and receives results of a query from the at least two different objects.

Without acquiescing to the examiner's statement of the law, the Applicants submit that the claim passes statutory muster under section 101 of the patent statute.

Claims 1-6, 8-13 and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rylander et al. (U.S. Patent No. 6,748,384). Applicants respectfully disagree.

Regarding claim 1, the examiner contends that Rylander teaches:

sending the query to at least two different objects (as desired summary data provided by the user, col. 9, lines 17-18), wherein each object determines whether an in-memory data structure maintained by each object satisfies the query (as a program determine which records and which fields of such records to query for summarizing the data stores in according to the user's desired, col. 8, lines 49-54).

Official Action p. 4. The portion of Rylander cited by the examiner as teaching "sending the query to at least two different objects" recites:

On the other hand, the user may request a summary (e.g., through the summary definition provided by the user) which provides a combined total hourly usage of both switches S.sub.1 and S.sub.2, in which case the resulting summary data will include a single, combined total hourly usage for switches S.sub.1 and S.sub.2 in this latter case, the generated software

code may execute to construct information from two different data stores (e.g., one for each of switches S.sub.1 and S.sub.2), and then sum the total usage of each switch for each hour to result in a combined hourly usage total for the two switches as the summary data. Accordingly, it should be recognized that the resulting summary data may not be obtained directly from a data store, but instead, the generated software code may perform particular operations on the data constructed from one or more data stores to result in the desired summary data. Therefore, when the present disclosure describes that the generated software code constructs the desired summary data from one or more data stores, it should be recognized that such "constructing" is not limited merely to directly retrieving the data from the one or more data stores, but is intended to also encompass manipulating data retrieved from such one or more data stores (e.g., through performing mathematical operations with such data) in order to "construct" the desired summary data.

While the above portion does teach that data is retrieved from two data stores, it does not teach that the same query is sent to both data sources. In fact, the above portion indicates that the data retrieved from the data stores may need to be "manipulate[ed]." Applicants submit that the above excerpted portion does not teach sending a query to different objects. Moreover, Rylander also fails to teach "wherein each object determines whether an in-memory data structure maintained by each object satisfies the query" as required by claim 1. Accordingly, Applicants submit that claim 1 patentably defines over Rylander for at least the above reasons.

In the most recent action, the examiner responded to the above argument by noting that:

As Applicants agreed that "the data is retrieved from two data stores", thus, it must be that the software program (i.e., query)

is executed on the computer to access data stores 102 to
produce the desired summary of one or more data stores 102
(col. 5, lines 3-10).

Action, p. 7. At best the examiner's argument appears to be based on inherency because he does not point to any part of the reference that teaches sending the same query to two different data sources. However, that assertion is inapposite and simply does not follow. Inherency requires that the action necessary happens. As a matter of logic, trust because two different data sources return data does not require that both data sources received. In fact, the Rylander makes clear, for example, that "the program determines the data types included in the data store(s) to be queried. For example, if a user desires to *query* data store 102 (Fig. 1) for information about switch S1, the program may determine the fields and types of each field for the records containing information for switch S₁." Col 6, ll. 22-27 (Emphasis added). As this passage points out it may be desirable to query data store(s), but the query is directed to a single data store. Another portion of the specification adds to the preceding passage: "different fields are available in data structure 300 for switch S₂, and therefore the program may take a different approach to determine the hour by hour usage for switch S₂." Col 8, ll. 55-58. Thus, it may be desirable to retrieve data from two stores but two entirely different queries may be required. Ryland does not teach that the same query is directed to "data structures ... stored in a different data format." Applicants respectfully request reconsideration.

Regarding independent claim 8, the examiner again provided no independent basis for rejecting the claim. Rather the examiner relied on the arguments made with respect to claim 1. Applicants submit that claim 8 has additional limitations not found in Rylander that were not addressed in the examiner's rejection. In particular, Rylander at least does not teach:

a query transmission mechanism for transmitting the type query
and the value over a communication network to at least two
digital devices whereby each digital device compares the data
type to a data type of a data structure that it maintains in-
memory and compares the value to a value stored in the data

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37 CFR § 1.116**

structure wherein said data structure is one of at least two different formats.

Regarding independent claim 13, Applicants submit, as noted above with respect to claim 8, that claim 13 has limitations not found in Rylander. In particular, Rylander does not teach:

receiving a query specifying a query data type and a query value;

comparing the query data type to the data structure data type and the query value to the value stored in the data structure;

In as much as claims 2-6, 9-11, and 17-20 depend from claims 1, 8 and 13, Applicants submit that they also patentably define over Rylander for at least the same reasons.

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rylander et al. (U.S. Patent 6,748,384) in view of Gombocz et al. (US Patent Application No. 2002/0156792 A1).

Inasmuch as claims 14-16 depend from claim 13, Applicants submit that they also patentably define over Rylander for at least the same reasons as claim 13.

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CONCLUSION

Early consideration and allowance of the above-referenced patent application is respectfully requested.

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